

# ADMINISTRATIVE DISQUALIFICATION HEARINGS

You may ask for an interpreter, translator or special accommodations for the hearing at no cost to you.

You should ask for them at the time you ask for a hearing, so that these accommodations can be made for you.

Please call  
1-800-311-7220 or  
803-898-8080 or  
TTY  
1-800-311-7219.

## **THE DECISION**

The hearing officer makes the final decision on your case. You will receive a written decision explaining the basis for that decision and any period of disqualification.

## **REPAYMENT**

You are required to repay any overissuance of food stamp benefits you receive, whether the overissuance resulted from an intentional violation or an error by DSS or by you.

## **RIGHT TO JUDICIAL REVIEW**

You may appeal the hearing officer's decision to the State Circuit Court within 30 days.



South Carolina  
Department of Social Services  
Individual and Provider Rights  
Office of Administrative Hearings  
P.O. Box 1520  
Columbia, S.C. 29202-1520  
1-800-311-7220 or  
803-898-8080 or  
TTY 1-800-311-7219

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# ADMINISTRATIVE DISQUALIFICATION HEARINGS

## **ADMINISTRATIVE DISQUALIFICATION HEARINGS**

These hearings are held when your county Department of Social Services finds that you have committed an intentional program violation in the Food Stamp Program. If you have committed an intentional program violation, you may be disqualified from the Food Stamp Program 12 months for the first violation, 24 months for the second violation and permanently for the third violation.

DSS must show, by clear and convincing evidence, that you knowingly:

1. Made a false statement to DSS to obtain benefits to which you were not entitled, or
2. Concealed or withheld information in order to obtain benefits to which you were not entitled, or
3. Used benefits (EBT card) to buy nonfood items or to obtain cash, or
4. Used or possessed improperly obtained benefits (EBT card), or
5. Improperly used, traded or sold benefits (EBT card).

## **YOUR RIGHTS: BEFORE THE HEARING**

1. You may participate in the Food Stamp Program while the ADH is pending.
2. You may appoint a representative to speak for you, such as an attorney, relative, friend or other spokesman. You may call Legal Services at 1-888-346-5592 (statewide) or 803-744-9430 in the Columbia area.
3. You and/or your representative may review your case file before the hearing; you should arrive about 20 minutes prior to the scheduled hearing to review the file or make arrangements with the case worker to review before the day of the hearing.
4. You may ask that witnesses be subpoenaed to appear on your behalf, but you must inform the Office of Administrative Hearings that you want a subpoena at least seven (7) days before the hearing. The Office of Administrative Hearings will issue a subpoena on your behalf, but you are responsible for the costs of the witness. Most professionals charge an hourly rate for the time spent in court and for expenses.



## **AT THE HEARING**

An impartial hearing officer from the Office of Administrative Hearings will hold the hearing either by telephone or in the county DSS Office.

1. You may refuse to answer any and all questions.
2. You may hear all the evidence the county has, question the witnesses and object to the evidence.
3. You may present any evidence, such as records, receipts or other statements that will help explain your case. The hearing officer will decide what evidence is relevant and will be used to decide your case.
4. You may ask the hearing officer to have a witness wait outside the hearing room if you do not want the witness to hear the testimony about you.

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs or disability. To file a complaint of discrimination, write USDA, Office of Civil Rights, Room 36-W, Whitten Building, 1400 Independence Ave., SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.